

12-91 REQUIREMENTS AND LIMITS 4302.3(Cont.)
 APPLICABLE TO SPECIFIC SERVICES

EXHIBIT I

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: Maryland

CASE MANAGEMENT SERVICES
SERVICE COORDINATION FOR CHILDREN WITH DISABILITIES

A. Target Group:

(See Attached)

B. Areas of State in Which Services Will Be Provided:

X Entire State

 Only in the following geographic areas (authority of §1915(g)(1) of the Act is invoked to provide services less than statewide):

C. Comparability of Services:

 Services are provided in accordance with §1902(a)(10)(B) of the Act.

X Services are not comparable in amount, duration and scope. Authority of §1915(g)(1) of the Act is invoked to provide services without regard to the requirements of §1902(a)(10)(B).

D. Definition of Services:

(See Attached)

E. Qualifications of Providers:

(See Attached)

F. The State assures that the provision of case management services will not restrict an individual's free choice of providers in violation of §1902(a)(23) of the Act.

1. Eligible recipients will have free choice of the providers of case management services.

2. Eligible recipients will have free choice of the providers of other medical care under the plan.

G. Payment for case management services under the plan shall not duplicate payments made to public agencies or private entities under other program authorities for this same purpose.

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A. Target Group:

Children 2 through 20 years old who are federally eligible Medical Assistance recipients and for whom free and appropriate education is provided under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973.

A recipient is eligible to receive the case management services, called Service Coordination for Children with Disabilities under Maryland's Medical Assistance Program regulations (COMAR 10.09.52), when the following requirements are met:

1. It is determined through an assessment, in accordance with Maryland law and regulations for assuring a free, appropriate education for all students with disabilities, that:

a. The recipient has temporary or long-term special education needs arising from cognitive, emotional, or physical factors, or any combination of these, and

b. The recipient's ability to meet general education objectives is impaired to a degree whereby the services available in the general education program are inadequate in preparing the child to achieve his or her education potential;

2. A multidisciplinary team, called an Admission, Review, and Dismissal (ARD) Committee in the Maryland State Department of Education regulations for Programs for Students with Disabilities (COMAR 13A.05.01), determines that the recipient is a child with disabilities who:

a. Is eligible for special education and related services, and

b. Needs an Individualized Education Program (IEP) under Part B of the Individuals with Disabilities Education Act or a 504 Written Individualized Plan (504 WIP) under Section 504 of the Rehabilitation Act of 1973.

3. The recipient elects, or the recipient's parent or other responsible individual elects on the recipient's behalf, to receive Service Coordination for Children and Disabilities; and

4. The recipient is not receiving similar case management services under another Medical Assistance Program authority.

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B. Definition of Services:

Service Coordination for Children with Disabilities means those case management services which will assist participants in gaining access to the services recommended in a participant's IEP or 504 WIP.

The Maryland Medical Assistance Program reimburses for the following services under Service Coordination for Children with Disabilities, when the services have been documented as necessary and appropriate:

1. Initial IEP or 504 WIP

a. A unit of service for the initial IEP or 504 WIP is defined as:

(1) A completed initial Individualized Education Program (IEP) or 504 Written Individualized Plan (504 WIP) signed by all members of the Admission, Review, and Dismissal (ARD) Committee, (i.e. the multidisciplinary team) and

(2) At least one contact by the participant's service coordinator, (i.e., case manager) or ARD Committee in person or by telephone with the participant or the participant's parent or other responsible individual, on the participant's behalf, relating to development of the initial IEP or 504 WIP.

b. The covered services include convening and conducting the ARD Committee to perform a multidisciplinary assessment and develop an initial IEP or 504 WIP, that includes:

(1) A statement of the participant's special education needs and related service needs, including the need for medical, mental health, social, financial assistance, counseling, and other support services;

(2) A statement of measurable annual goals and measurable short-term objectives for the participant;

(3) A statement of the specific special education and related services to be provided to the participant;

(4) The projected dates for initiation of services and the anticipated duration of service; and

(5) Appropriate objective criteria and evaluation procedures for determining, on at least an annual basis, whether the objectives set forth in the IEP or 504 WIP are being achieved.

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2. Ongoing Service Coordination

a. Ongoing service coordination (i.e., case management) is rendered subsequent to an initial IEP or 504 WIP by the participant's service coordinator employed by a provider.

b. A unit of service for ongoing service coordination includes:

(1) At least one contact by the service coordinator in person or by telephone with the participant or the participant's parent or other responsible individual, on the participant's behalf, relating to the child's ongoing service coordination, and

(2) The provision of all other necessary covered services under ongoing service coordination.

c. These services shall include:

(1) Acting as a central point of contact relating to IEP or 504 WIP services for a participant;

(2) Maintaining contact with direct service providers and with a participant and the participant's parent or other responsible individual through home visits, office visits, school visits, telephone calls, and follow-up services as necessary;

(3) Implementing the IEP or 504 WIP by referring the participant to direct service providers, assisting the participant in gaining access to services specified in the IEP or 504 WIP, and providing linkage to agreed-upon direct service providers;

(4) Discussing with direct service providers the services needed and available for the participant, assessing the quality and quantity of services being provided, following up to identify any obstacles to a participant's utilization of services, coordinating the service delivery, and performing ongoing monitoring to determine whether the services are being delivered in an integrated fashion as recommended in the IEP or 504 WIP and meet the participant's current needs;

(5) Providing a participant and a participant's parent or other responsible individual with information and direction that will assist them in successfully accessing and using the services recommended in the IEP or 504 WIP;

(6) Informing a participant's parent or other responsible individual of the participant's and the family's rights and responsibilities in regard to specific programs and resources recommended in the IEP or 504 WIP;

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(7) Conducting, with a participant's parent or other responsible individual at a meeting or by other means acceptable to the parent and the service coordinator, a review of the participant's IEP or 504 WIP every 6 months, or more frequently if warranted or the parent or other responsible individual requests a review; and

(8) Reviewing at least annually at a meeting or by other means acceptable to the participant's parent and others involved in the review process:

(a) The degree of a participant's progress toward achieving the goals established in the IEP or 504 WIP, and

(b) Whether the goals or recommended services need to be revised.

d. Administrative, supervisory, and monitoring services associated with the ongoing service coordination are included as part of the service.

3. IEP or 504 WIP Review

a. Regulations of the Maryland State Department of Education require that a participant's IEP or 504 WIP be reviewed and, if appropriate, revised:

(1) Within 60 school days after the participant's initial placement in special education;

(2) On an interim basis upon the request of the professionals on the ARD Committee or the request of the participant's parent(s) or other responsible individual; and

(3) At least annually.

b. A unit of service for IEP or 504 WIP review is defined as:

(1) A completed 60-day, interim, or annual IEP or 504 WIP review; and

(2) At least one contact by the service coordinator or ARD Committee in person or by telephone with the participant or the participant's parent or other responsible individual, on the participant's behalf, relating to review of the IEP or 504 WIP.

c. The covered services include convening and conducting an ARD Committee to perform a multidisciplinary reassessment of the participant's status and to review and revise, as necessary, the participant's IEP or 504 WIP.

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E. Qualifications of Providers of Service Coordination for Children with Disabilities:

1. A provider of Service Coordination for Children with Disabilities shall be an agency within the State that:

a. Operates programs with special education and related services for children with disabilities, in accordance with Maryland State Department of Education regulations for Programs for Students with Disabilities (COMAR 13A.05.01); and

b. Is eligible to receive, through the Maryland State Department of Education, funding from Assistance to States for the Education of Children with Disabilities under Part B of the Individuals with Disabilities Education Act.

2. The provider shall convene an Admission, Review, and Dismissal (ARD) Committee or Committees which include:

a. A chairperson designated by the local superintendent of schools or other appropriate official of the agency which operates education programs for students with disabilities;

b. Individuals who are familiar with the participant's current level of functioning;

c. A special educator and interdisciplinary personnel from the agency which operates education programs for students with disabilities, the local health department, and other public agencies as appropriate;

d. Other individuals considered appropriate, such as individuals expected to provide direct services to the participant; and

e. If the participant is suspected of having a specific learning disability, at least one person qualified to conduct individualized diagnostic examinations, such as a school psychologist or speech language pathologist, and

- (1) The participant's regular teacher;
(2) If the participant does not have a regular teacher, a regular classroom teacher qualified to teach a student of that age, or
(3) An individual certified to teach a child of that age, if the child is less than school age.

3. The ARD Committee shall:

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a. Provide the opportunity for participation in an ARD Committee meeting to the participant's parent(s) or other responsible individual, and the participant, if appropriate.

b. Receive referrals of recipients who are 2 through 20 years old and are identified as potentially eligible for Service Coordination for Children with Disabilities ;

c. Arrange for an appropriate assessment of a recipient referred to the ARD Committee to determine whether the recipient has temporary or long-term special education and related service needs arising from cognitive, emotional, or physical factors, or any combination of these;

d. Complete the assessment within 45 calendar days of the recipient's referral to the ARD Committee;

e. Review the results of the assessment and determine the recipient's eligibility for Service Coordination for Children with Disabilities services within 30 calendar days of the assessment's completion;

f. Develop an Individualized Education Program (IEP) or 504 Written Individualized Plan (504 WIP) within 30 calendar days of the determination of the participant's eligibility for Service Coordination for Children with Disabilities;

g. Review the IEP or 504 WIP and progress of each participant who is receiving the special education and related services recommended in the IEP or 504 WIP, within 60 school days after the participant's initial placement in special education;

h. Meet and conduct an annual review of each participant's IEP or 504 WIP and, if appropriate, revise the IEP's or 504 WIP's provisions; and

i. Reconvene the ARD Committee to conduct an interim IEP or 504 WIP review or to modify the existing IEP or 504 WIP at any time upon request of the professionals included on the ARD Committee or the participant's parent(s) or other responsible individual, as deemed necessary pursuant to the participant's progress.

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4. The provider shall employ specific, qualified individuals as service coordinators (i.e., case managers) for participants and verify their credentials for providing the covered services. (Requirements for service coordinators are set forth in Item E.9. below.)

5. The provider shall be knowledgeable of the eligibility requirements and application procedures of federal, State, and local government assistance programs which are applicable to participants.

6. The provider shall employ qualified individuals needed to staff ARD Committees, develop participants' IEPs or 504 WIPs, or perform as service coordinators for participants.

7. The provider shall obtain the participant's parent's or other responsible individual's approval of the participant's service coordinator and the participant's IEP or 504 WIP prior to implementation.

8. The provider shall maintain a file on each participant which meets the Medical Assistance Program's requirements and which includes:

includes:

- a. Copies of the participant's IEP or 504 WIP with any revisions;

b. Written parental consent for the provision of Service Coordination for Children with Disabilities to the participant; and

c. A record of service coordination encounters concerning the participant.

9. Service Coordinator Requirements.

a. An individual chosen as a participant's service coordinator (i.e., case manager) shall be:

(1) Employed by a provider of Service Coordination for Children with Disabilities and;

(2) Chosen by the ARD Committee, with the approval of the participant's parent(s) or other responsible individual, taking into consideration the:

(a) Primary disability manifested by the participant;

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- (b) Participant's needs, and
(c) Services recommended in the IEP or 504

WIP.

b. A service coordinator may be a nonprofessional or a professional (e.g., audiologist, guidance counselor, registered nurse, occupational therapist, physical therapist, psychologist, pupil personnel worker, social worker, speech therapist, speech pathologist, teacher, school administrator, or school supervisor).

c. A professional chosen as a service coordinator for a participant shall have a current license or certification in the profession most immediately relevant to the participant's needs.

d. A nonprofessional chosen as a service coordinator for a participant shall:

(1) Be a parent of a child with disabilities, but not of the particular participant;

(2) Have at least a high school degree or the equivalent; and

(3) Have satisfactorily completed training in advocacy at a parent information center that is approved by the Maryland State Department of Education.

e. A service coordinator shall:

(1) Participate with the ARD Committee in the development or revision of a participant's IEP or 504 WIP and in the IEP or 504 WIP review;

(2) Assist the participant in gaining access to the services recommended in the IEP or 504 WIP; and

(3) Collect and synthesize evaluation reports and other relevant information about a participant that might be needed by an ARD Committee.

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